IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 14919 of 2007(A)

PETITIONER:

RATHEESH, S/O.BABY,
MANGALATH THEKKETHIL, PAYIKUZHY, OACHIRA P.O.,
KOLLAM DISTRICT, OWNER OF VECHILE BEARING
REGISTRATION NO.KL/03-J-15.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
CHENGANNUR.

2. THE ASSISTANT EXCISE COMMISSIONER,
ALAPPUZHA.

3. SREEJITH, S/O.SREEDHARAN PILLAI,
SREE BHAVAN, EDACHIRETH, OACHIRA,
KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V. PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.14919 OF 2007

DATED THIS THE 24th DAY OF MAY, 2007

JUDGMENT

The petitioner's vehicle bearing registration No.KL/03 J-15 was seized on allegations of illicit transport of spirit. Confiscation proceedings are in progress. The petitioner seeks interim custody of the vehicle pending confiscation proceedings. The petitioner submits that he may be granted interim custody of the vehicle on furnishing bank guarantee for the value of the vehicle.

2. The learned Government pleader submits that in view of Rule 4(2)(a) of Kerala Abkari (Disposal of Confiscated Articles) Rules 1996, the petitioner can be granted interim custody of the vehicle only on depositing the value of the vehicle as assessed by competent authorities in treasury. In the facts and circumstances of the case, I direct the 2nd respondent to give interim custody of the vehicle to the petitioner in terms of Rule 4(2)(a)of the Rules.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd